





submit that claims 35-36, 39-43, 45, 48-51, 54, 56-57, and 59-60 are patentable for at least the same reasons as discussed above with respect to their respective base claim. Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 38, 44, 46, 52, and 53 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,829,058 to Dicker et al. ("Dicker"). Applicants respectfully traverse the rejection.

The Examiner contends that Dicker's bands either partially or completely cover the claimed areas of Applicants' claims. Specifically, the Examiner contends that Dicker "disclose a band (36) which extend straight down and is capable of being position [sic] at a positioned [sic] on a medial side of a knee joint, if so desired. The examiner further note [sic] that a combination of the bands 36 and 38 would cover the claimed areas of the invention, as well." (Detailed Action, page 3, paragraph 2.)

Applicants respectfully note that according to MPEP § 2131, in order to anticipate a claim, the reference must teach each and every element of the claim. Furthermore, the Federal Circuit has found that "the identical invention must be shown in as complete detail as is contained in the . . . claim," *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicants respectfully submit that Dicker fails to meet these requirements.

Dicker's bands 36, 46, and 38 do not cover the ligamentum collaterale on a medial side of the knee joint and do not extend obliquely from a superior side of the knee joint through the anterior surface of the corresponding thigh and along the portion of the corresponding musculus sartorius, as recited in the independent claims 34 and 47. Furthermore, Dicker's obliquely extending band, illustrated on the left leg of the wearer, starting from the upper edge of skates 16, extends from the



claimed combination of a first strong straining portion along with various other strong straining portions (second, third, fourth, seventh, eighth, ninth, or tenth). (Emphasis added.) (Detailed Action, page 2, item 3.)

Thus, as demonstrated above, the '719 Application was granted because of the location of the specific claimed elements, notably the first strong straining portion, as well as the other strong straining portions. Accordingly, Applicants submit that the present claims, which references locations on the human body to describe the position of the claimed elements of the claimed garment, are patentable.

Notwithstanding the above remarks, Applicants have amended the present claims to recite features of the claimed elements that do not require a wearer and thus are not dependent upon the muscle groups of the human body.

Independent claims 34, 37, and 47 have been amended to recite "a first stretchable portion in the shape of a band extending from an upper portion of the outer leg surface obliquely across the front surface of the garment to a middle portion of the inner leg surface and covering a portion of the corresponding middle portion on the rear surface." Independent claims 55, 58, 61, and 62 recite similar features.

Applicants submit that neither Fujimoto nor Dicker disclose or suggest this feature. In contrast, Fujimoto's heavily-stretchable cloth piece 1 is located on the outer portions of the garment and fails to have the "band-like shape" stretchable portion recited in the claims. Likewise, Dicker fails to disclose the "band-like shape" stretchable portion recited in the claims. Rather, Dicker discloses that lateral band 36 extends "along each leg . . . and [takes] in the anterior muscle groups." (Dicker, col. 3, lines 60-63.) Dicker also discloses that medial band 38 crosses the knee or extends straight down the medial leg. *See*, Dicker, col. 3, lines 63-65. Thus, Fujimoto and Dicker, either



**CONCLUSION**

Each and every point raised in the Final Office Action dated May 1, 2006 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 34-44, 46-50, and 52-64 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: June 30, 2006

Respectfully submitted,

By 

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**AMENDMENTS TO THE CLAIMS**

1. (Allowed): A garment comprising a stretch fabric wherein the garment is adapted to cover at least a part of the lower body of a wearer, has a crotch part, and is adapted to be worn by being fitted to the wearer's body, wherein:

the garment in part has a portion with a strong straining force;

the portion with a strong straining force is a first strong straining portion;

wearer's right and left parts of the first portion are connected at a position on the back side of the garment adapted to correspond to any region from os sacrum to vertebrae lumbalis of the wearer's body; and

the first portion is adapted to cover a region extending from said position through the furthest dorsal point of bulge of each buttock in the direction of muscle fibers of musculus gluteus maximus to at least the vicinity of trochanter major at wearer's right and left.

2. (Allowed): The garment according to claim 1, further comprising a second strong straining portion, wherein:

right and left parts of the second portion are connected at a position on the garment adapted to correspond to musculus rectus abdominis in a hypogastric region; and

the second portion is adapted to cover a region extending obliquely downward from the position on musculus rectus abdominis in a hypogastric region approximately in the direction of muscle fibers of musculus obliquus internus abdominis at wearer's right and left to at least the vicinity of trochanter major.





fibers of musculus obliquus internus abdominis at wearer's right and left to at least the vicinity of trochanter major.

8. (Allowed): A garment comprising:

a stretch fabric wherein the garment is adapted to cover at least a part of the lower body of a wearer, has a crotch part, and is adapted to be worn by being fitted to the wearer's body;

a first strong straining portion with a strong straining force,

wherein right and left parts of the first portion are connected at a position on the back side of the garment adapted to correspond to any region from os sacrum to vertebrae lumbalis of the wearer's body;

the first portion is adapted to cover a region extending from said position through tops of bulges of the buttocks or vicinities thereof approximately in the direction of muscle fibers of musculus gluteus maximus at wearer's right and left to at least the vicinity of trochanter major;

a third strong straining portion adapted to press the abdomen; and

a fourth strong straining portion ,

wherein the third portion has a main stretch direction in the longitudinal direction of the garment;

the third portion is adapted to cover the center of a hypogastric region;

an end of the fourth portion is connected to each of right and left upper sides of the third portion; and

the fourth portion is adapted to cover a region extending obliquely upward from the right and left upper sides of the third portion approximately in the direction of muscle fibers of

musculus obliquus externus abdominis at wearer's right and left to at least a position exceeding the sides of the wearer to the back side.

9. (Allowed): A garment comprising:

a stretch fabric wherein the garment is adapted to cover at least a part of the lower body of a wearer, has a crotch part, and is adapted to be worn by being fitted to the wearer's body;

a first strong straining portion with a strong straining force,

wherein right and left parts of the first portion are connected at a position on the back side of the garment adapted to correspond to any region from os sacrum to vertebrae lumbalis of the wearer's body;

the first portion is adapted to cover a region extending from said position through tops of bulges of the buttocks or vicinities thereof approximately in the direction of muscle fibers of musculus gluteus maximus at wearer's right and left to at least the vicinity of trochanter major;

a second strong straining portion;

a third strong straining portion is adapted to press the abdomen, and

a fourth strong straining portion,

wherein the third portion has a main stretch direction in the longitudinal direction of the garment;

the third portion is adapted to cover the center of a hypogastric region;

an end of the second portion is connected to each of right and left lower sides of the third portion;



Claims 15-24 (Cancelled).

25. (Allowed): A garment comprising:

a stretch fabric wherein the garment is adapted to cover at least a part of the lower body of a wearer, has a crotch part, and is adapted to be worn by being fitted to the wearer's body;

a first strong straining portion with a strong straining force,

wherein right and left parts of the first portion are connected at a position on the back side of the garment adapted to correspond to any region from os sacrum to vertebrae lumbalis of the wearer's body;

the first portion is adapted to cover a region extending from said position through tops of bulges of the buttocks or vicinities thereof approximately in the direction of muscle fibers of musculus gluteus maximus at wearer's right and left to at least the vicinity of trochanter major; and

a fourth strong straining portion,

wherein right and left parts of the fourth portion are connected at a position on the garment adapted to correspond to musculus rectus abdominis in a hypogastric region; and

the fourth portion is adapted to cover a region extending obliquely upward from the position on musculus rectus abdominis in hypogastric region approximately in the direction of muscle fibers of musculus obloquies externus adominis at wearer's right and left to at least a position exceeding the sides of the wearer to the back side.

26. (Currently Amended): The garment according to claim 2 , further comprising:





the first portion is adapted to cover a region extending from said position through tops of bulges of the buttocks or vicinities thereof approximately in the direction of muscle fibers of musculus gluteus maximus at wearer's right and left to at least the vicinity of trochanter major;

the first portion also has an eighth strong straining portion,

wherein the eighth portion is adapted to cover further a region extending from the vicinity of trochanter major toward regio femoralis anterior medialis through at least a part of any at least one musculus quadriceps femoris selected from musculus sartorius, musculus rectus femoris and musculus vastus medialis.

30. (Allowed): A garment comprising:

a stretch fabric wherein the garment is adapted to cover at least a part of the lower body of a wearer, has a crotch part, and is adapted to be worn by being fitted to the wearer's body;

a first strong straining portion with a strong straining force,

wherein right and left parts of the first portion are connected at a position on the back side of the garment adapted to correspond to any region from os sacrum to vertebrae lumbalis of the wearer's body; and

the first portion is adapted to cover a region extending from said position through tops of bulges of the buttocks or vicinities thereof approximately in the direction of muscle fibers of musculus gluteus maximus at wearer's right and left to at least the vicinity of trochanter major;

the first portion also has a ninth strong straining portion,





32. (Allowed): The garment according to 28, further comprising:

an eleventh strong straining portion in which the fourth portion and the seventh portion are united and continuous.

33. (Allowed): The garment according to claim 1, wherein a strong straining portion is formed by laminating a cloth on the front side or back side of a main body fabric of the garment.

34. (Allowed): The garment according to claim 1, wherein a strong straining portion is formed by changing a stitch for knitting a main body fabric of the garment to form a weak straining portion and a strong straining portion in patterns.

35. (Allowed): The garment according to claim 1, wherein a strong straining portion is formed by laminating a film of a synthetic resin or rubber having elasticity on a predetermined part of a main body fabric of the garment or by impregnating or coating a predetermined part of a main body fabric of the garment with a solution or emulsion of a synthetic resin or rubber having elasticity followed by drying.

36. (Allowed): The garment according to claim 1, wherein a strong straining portion has a straining force of 150 to 400 gf.

37. (Allowed): The garment according to claim 1, wherein the stretch fabric is a knitted fabric selected from a two-way stretch tricot and a stretch raschel.

**38. (Allowed): The garment according to claim 1, wherein:**

the garment comprises a stretch fabric,

the garment is adapted to cover at least a part of the lower body of a wearer, has a crotch part, and is worn by being fitted to the wearer body, and

the garment is selected from a girdle, spats, sports tights, bodysuit, leotard and swimsuit.

39. (Allowed): The garment according to claim 1, wherein:

the garment comprises a stretch fabric,

the garment is adapted to cover at least a part of the lower body of a wearer, has a crotch part, and is worn by being fitted to the wearer body, and

the garment has a leg part for cylindrically covering regio femoralis of the wearer body to at least a position lower than the crotch part.

40. (Allowed): The garment according to claim 1, wherein:

the garment comprises a stretch fabric,

the garment is adapted to cover at least a part of the lower body of a wearer, has a crotch part, and is worn by being fitted to the wearer body,

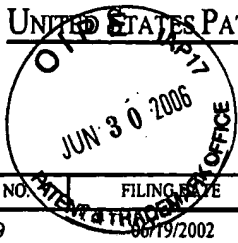
the position of a lower end of the garment is approximately the same as or higher than the position of the crotch part; and



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7278 7590 04/21/2006

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EXAMINER
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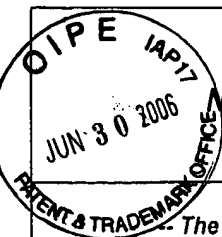
WIEKER, AMANDA FLYNN

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**Supplemental  
Notice of Allowability**

Application No.	Applicant(s)	
10/088,719	FUJII ET AL.	
Examiner	Art Unit	
Amanda F. Wieker	3743	

**The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the IDS filed on 3/15/06.
2. ☒ The allowed claim(s) is/are 1-2, 7-9, 13-14 and 25-42.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 3/15/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Henry Bennett  
Supervisor/Patent Examiner  
Group 3700



Art Unit: 3743

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 15 March 2006 was filed after the mailing date of the Notice of Allowance on 22 February 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Allowable Subject Matter*

2. Claims 1-2, 7-9, 13-14 and 25-42 are allowed.

3. The following is an examiner's statement of reasons for allowance: The relevant prior art does not disclose or fairly suggest the claimed garment having a first strong straining portion that covers over the furthest dorsal or posterior portion of the bulge of each buttock and extends to trochanter major on the wearer's right and left; or the claimed combination of a first strong straining portion along with various other strong straining portions (second, third, fourth, seventh, eighth, ninth or tenth).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



Art Unit: 3743

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda F. Wieker whose telephone number is 571-272-4794. The examiner can normally be reached on Monday-Thursday, 7:30 - 5:00 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amanda F. Wieker  
Examiner  
Art Unit 3743

  
afw

  
Henry Bennett  
Supervisor/Patent Examiner  
Group 3700